

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

VICTOR CAMARGO JUAREZ,

Case No. 3:24-cv-00462-MMD-CLB

Plaintiff,

ORDER

TACO BELL, *et al.*,

Defendants.

Pro se Plaintiff Victor Camargo Juarez attempts to sue his current employer, Defendants Taco Bell and Diversified Restaurant Group LLC, for vaguely alleged sexual and racial harassment, along with disability discrimination. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla Baldwin (ECF No. 7), recommending the Court: (1) grant Juarez’ application to proceed *in forma pauperis* (ECF No. 4 (“IFP Application”)); (2) dismiss his Complaint (ECF No. 1-1) with leave to amend; and (3) deny Juarez’ motion to exempt his case from arbitration (ECF No. 5). To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). Judge Baldwin first recommends granting Juarez’ IFP Application because the information he submitted indicates he cannot pay the filing fee. (ECF No. 7 at 2.) Judge Baldwin next recommends Defendant Diversified Restaurant Group, LLC be dismissed from this case because Juarez includes no allegations against it in his Complaint. (*Id.* at 4.) Judge Baldwin then recommends

1 Juarez' sexual and racial harassment claims be dismissed with leave to amend because
2 he does not allege he suffered an adverse employment action or facts tending to show
3 causation, nor does he allege any discrimination based on his race. (*Id.* at 5.) Judge
4 Baldwin further recommends dismissing his disability discrimination claim with leave to
5 amend because his Complaint does not address what his requested accommodation was
6 or how his employer failed to accommodate him. (*Id.* at 5-6.) Judge Baldwin further
7 recommends that the Court give Juarez 30 days to file an amended complaint that cures
8 the deficiencies identified in the R&R, or risk dismissal of his claims with prejudice. (*Id.* at
9 6-7.) Judge Baldwin finally recommends the Court deny Juarez' motion to exclude his
10 case from arbitration given that she also recommends the Court dismiss his Complaint
11 without prejudice. (*Id.* at 7.) Having reviewed the R&R, Judge Baldwin did not clearly err.

12 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
13 No. 7) is accepted and adopted in full.

14 It is further ordered that Juarez's IFP Application (ECF No. 4) is granted.

15 The Clerk of Court is directed to file the Complaint (ECF No. 1-1).

16 It is further ordered that the Complaint (ECF No. 1-1) is dismissed, in its entirety,
17 but with leave to amend as specified in this order and in the R&R.

18 It is further ordered that, if Juarez chooses to file an amended complaint curing the
19 deficiencies of his Complaint, as outlined in this order and the R&R, Juarez must file the
20 amended complaint within 30 days from the date of entry of this order.

21 It is further ordered that, if Juarez does not timely file an amended complaint, the
22 Court will dismiss this case with prejudice and without further advance notice to Juarez.

23 It is further ordered that Juarez's motion to exempt claims from arbitration (ECF
24 No. 5) is denied.

25 DATED THIS 20th Day of November 2024.

26 
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE